

## Chapter 6

# **CONSULTATION AND COORDINATION**

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This chapter describes Reclamation's and Ecology's public involvement, consultation, and coordination activities to date, including future actions that will occur during the processing of this document. Public information activities would continue through the future developments of this project.

## 6.1 Public Involvement

Public involvement is a process where interested and affected individuals, organizations, agencies, and governmental entities are consulted and included in Reclamation's decisionmaking process. In addition to providing information to the public regarding the Draft PR/EIS, Reclamation also solicited responses regarding the public's needs, values, and evaluations of the proposed alternatives. Reclamation encouraged and used both formal and informal input. As additional issues arise, they will be considered and included as appropriate.

### 6.1.1 Scoping Process

The Draft PR/EIS scoping process was initiated in December 2006 to receive public input on the scope of the Yakima River Basin Water Storage Feasibility Study, consistent with the requirements of NEPA and its implementing regulations and SEPA. The *Federal Register* Notice of Intent to prepare an EIS and a schedule for the scoping meetings were published December 29, 2006.

Also on December 29, 2006, Ecology published the Determination of Significance as a public notice in area newspapers consistent with the requirements of SEPA. Reclamation also issued a news release to local media. Meeting notices describing the project, requesting comments, and announcing the date, times, and location of the public scoping meetings were mailed to interested individuals, Tribes, groups, and government agencies. A total of 331 meeting notices were distributed. The Notice of Intent, Determination of Significance, news release, and meeting notice are attached to the *Scoping Summary Report* (Reclamation and Ecology, 2007b). The *Scoping Summary Report* is available upon request or can be accessed from the Yakima River Basin Water Storage Feasibility Storage Study Web site: [http://www.usbr.gov/pn/programs/storage\\_study/index.html](http://www.usbr.gov/pn/programs/storage_study/index.html).

The purposes of scoping were to:

- Inform the public about the background, purpose, and alternatives being considered as part of the Storage Study.
- Obtain input regarding identifying issues and concerns associated with the current alternatives.
- Identify other alternatives for the Storage Study.

#### ***6.1.1.1 Public Scoping Meetings***

On January 23, 2007, two scoping meetings were held at the Yakima Convention Center in Yakima, Washington. Both meetings were preceded by a 1-hour open house and included a question-and-answer period at the end of the meetings. The first meeting was held from 2 to 4 p.m., and the second meeting was held from 7 to 9 p.m. These were joint meetings with Ecology and complied with both NEPA and SEPA scoping requirements.

Approximately 70 people attended the afternoon session, and approximately 30 persons attended the evening session.

#### ***6.1.1.2 Comments and Other Information Received from the Public***

The official public scoping comment period began December 29, 2006, and concluded January 31, 2007.

Including those received during the scoping meetings, 130 written comment documents were received during this period. The documents included one request to be added to the mailing list with no comments, 6 identical form letters received by email, 74 identical postcards received by U.S. mail, and 49 unique documents received by one or more of the following methods—hand delivery, email, U.S. mail, or fax. Some documents were received by multiple methods. The comments ranged from brief comments or questions to detailed statements. The comments included suggestions that the Storage Study should investigate nonstorage alternatives such as aquifer storage and recovery for instream and out-of-stream uses, more water conservation measures, and reallocation of water resources for instream and out-of-stream uses. In addition, there were comments about how each of the resources should be analyzed, which led to the development of the indicators used to evaluate the effects of the alternatives on the resources.

Additionally, Reclamation received two analyses from the Yakima Basin Storage Alliance (YBSA): *Recreation and Economic Development Analyses of Lands Around Black Rock Reservoir* (YBSA, 2007) and *Evaluation of the Black Rock Project's Pumped Storage Power Costs and Benefits* (Energy Northwest, 2007). A summary of these analyses follows.

During the course of the development of the Storage Study, the YBSA has suggested that the economic evaluations conducted by Reclamation as directed by the *P&Gs* do not capture the full extent of the economic benefits that could accrue from potential water-resource-related actions. Economic studies prepared by others have indicated greater monetary value arising from irrigated agriculture and water-related recreation development.

For example, the YBSA, in cooperation with the Port of Sunnyside and Benton and Yakima Counties, commissioned a study in 2006 to address economic benefits which could be derived from construction and operation of a Black Rock reservoir. This study focused on the potential of residential, resort, and commercial development at the Black Rock reservoir which could create significant increased revenue flows within the four-county area over a 20-year timeframe. The foregoing study reflected considerable at-site development beyond the minimum basic recreation facilities contemplated by Reclamation. These potential revenue flows would be regional in scope and not the national economic benefits that Reclamation and other Federal studies are mandated to address for the economic justification of Federal water resource projects.

The 2007 YBSA study is more representative of an economic impact analysis than a benefits analysis and relies on extensive private residential, resort, and commercial development. Such development is not precluded at Federal water resource projects; however, Federal legislation does provide for non-Federal development and operation and maintenance of recreation facilities at such potential reservoirs beyond minimum basic facilities. It does allow residential, resort, and commercial development, but such development must be consistent with the authorized purposes of the project and must not compromise project operations to achieve these purposes.

In addition to the two powerplants at the delivery points to the Roza and Sunnyside Canals, the YBSA suggested that a pump-generation facility be considered for the Black Rock reservoir. Pump generation is the concept of pumping water into a reservoir while power is relatively inexpensive and then, when power demand increases and is likely to be more expensive, release the water to generate power. Reclamation analyzed a pump-generation option at Black Rock reservoir during the appraisal phase of the Storage Study and determined that it was not economically or financially feasible to pursue for the Storage Study.

The YBSA commissioned a study to review those conclusions and provide recommendations on how pump generation could be made more financially attractive at the Black Rock reservoir. Reclamation reviewed the recommendations and, using additional information from outside Reclamation, concluded that it is still appropriate to move forward with a pump-only Black Rock Alternative.

### **6.1.2 Public Hearings and Review of Draft PR/EIS**

This Draft PR/EIS is available for public review until March 31, 2008. Reclamation and Ecology will also hold formal public hearings in February 2008 to receive oral and written comments. Reclamation and Ecology will respond to the comments in the final planning report/environmental impact statement. No Reclamation decision will be made on the proposed action until a minimum of 30 days after release of the Final PR/EIS. Following this 30-day period, Reclamation will complete its Record of Decision, which will identify the alternative to be implemented.

### **6.1.3 Other Meetings Held with Interested Parties**

Following are other meetings that have been held with interested parties in regard to the Storage Study, both during and prior to initiation of the NEPA/SEPA process.

#### ***6.1.3.1 Public Meetings***

- April 27, 28, 29, 2004 – Public meetings/open houses were held for the public to provide information on the Storage Study process. The meetings were held in Ellensburg, Pasco, and Yakima, Washington.
- March 29, 2005 – An information meeting was held for the public to discuss findings reported in the *Summary Report, Appraisal Assessment of the Black Rock Alternative* (Reclamation, 2004e) and answer questions. The meeting was held at the Yakima Convention Center, Yakima Washington.
- September 21, 2005 – A public meeting/open house was held at the Yakima Convention Center, Yakima Washington, to provide updates and answer questions about the current alternatives being studied.
- June 20, 2006 – A public meeting/open house was held at the Yakima Convention Center, Yakima Washington, to discuss and answer questions regarding the *Yakima River Basin Storage Alternatives Appraisal Assessment* (Reclamation, 2006b).
- September 18, 2007 – A press conference was held at Reclamation's Pacific Northwest Construction Office in Yakima, Washington, to announce the release of Reclamation's report, *Modeling Groundwater Hydrologic Impacts of the Potential Black Rock Reservoir* (Reclamation, 2007d).

#### ***6.1.3.2 Meetings with the Yakama Nation***

- June 30, 2005 – Reclamation and Ecology management met with Yakama Nation staff to discuss critical issues and concerns of the Nation regarding the Storage Study in Toppenish, Washington.

- November 10, 2005 – Presentation/update to Yakama Nation staff by Storage Study manager regarding the Storage Study process, results of the *Summary Report, Appraisal Assessment of the Black Rock Alternative* and the Yakima River basin alternatives to be studied, Toppenish, Washington.
- November 15, 2006 – Presentation to Yakama Nation staff by Storage Study manager regarding the *Yakima River Basin Storage Alternatives Appraisal Assessment* and upcoming plan formulation document, Toppenish, Washington.
- December 15, 2006 – Reclamation and Ecology management met with Yakama Nation staff to review and discuss the results of the plan formulation phase and the joint Reclamation/Ecology decision on how to proceed with the Storage Study based on the results presented in the plan formulation document, Yakima, Washington.
- December 2006 – Storage Study biologist met with the Yakama Nation and Washington Department of Fish and Wildlife to discuss stream reach prioritization with regard to flow and biological significance.

#### **6.1.3.3 Stakeholder Meetings**

Storage Study staff have participated in many informal meetings with stakeholders in the Yakima River basin, including the Yakama Nation, Kittitas Reclamation District, Roza Irrigation District, Wapato Irrigation District, Sunnyside Irrigation Division, Yakima Basin Storage Alliance, and others, on a variety of topics. In addition, the following formal meetings were held in connection with the Storage Study:

- February 19, 2004 – An information meeting was held with stakeholders to explain the planning process and the Black Rock Alternative design process and schedule. The meeting was held at the Yakima Arboretum, Yakima, Washington.
- March 29, 2005 – An information meeting was held with stakeholders to discuss findings reported in the *Black Rock Summary Report* and answer questions. The meeting was held at the Yakima Convention Center, Yakima, Washington.
- August 12, 2005 – A meeting was held to discuss the *Yakima River Basin Storage Alternatives Appraisal Assessment*, the Storage Study process and the fisheries modeling being done. The meeting was held at the Yakima Arboretum, Yakima, Washington.
- September 1, 2005 – Storage Study staff and technical team members met with stakeholders regarding the economic analysis of the Storage Study. The meeting was held at the Clarion Hotel, Yakima, Washington.

- December 7, 2006 – Storage Study staff met with YBSA to review and discuss the results of the plan formulation phase and the joint Reclamation/Ecology decision on how to proceed with the Storage Study based on the results presented in the plan formulation document. The meeting was held in Yakima, Washington.
- December 8, 2006 – Storage Study staff met with the Yakima Basin Joint Board to review and discuss the results of the plan formulation phase and the joint Reclamation/Ecology decision on how to proceed with the Storage Study based on the results presented in the plan formulation document. The meeting was held in Yakima, Washington.
- December 14, 2006 – Storage Study staff met with the Yakima Basin Fish and Wildlife Recovery Board to review and discuss the results of the plan formulation phase and the joint Reclamation/Ecology decision on how to proceed with the Storage Study based on the results presented in the plan formulation document. The meeting was held in Yakima, Washington.

#### ***6.1.3.4 Roundtable Meetings***

In response to input received during stakeholder meetings in December 2006 and the January 2007 scoping periods for the Storage Study's NEPA/SEPA process, Reclamation and Ecology formed a Roundtable group to participate in the following key aspects of the Storage Study:

- Reviewing/revisiting Storage Study goals and focusing on identifying and confirming measures of success in meeting these goals.
- Critically reviewing the suggested alternatives with potential for meeting Storage Study goals (based on Storage Study results to date, input received through recent stakeholder and public scoping activities, and additional operation studies during the Roundtable process).
- Refining the methods, tools, and criteria to be used in comparing alternatives.

The Roundtable included representation from key interest groups/constituencies at a policy/management level with a stake in the Storage Study and its outcome, with support from technical specialists on an as-needed basis. The Roundtable played an important role in ensuring the completeness, effectiveness, efficiency, and acceptability of the Storage Study as the detailed phase of analysis and decisionmaking got underway. Notes and summaries were prepared for each meeting and posted on the Storage Study Web site.

The Roundtable process was conducted over a sequence of four meetings, each from 1 to 4 p.m. in Yakima, Washington, according to the following schedule:

- Meeting 1: Thursday, March 8, 2007, Yakima Arboretum
- Meeting 2: Thursday, March 29, 2007, Yakima Arboretum
- Meeting 3: Thursday, April 19, 2007, Yakima Arboretum
- Meeting 4: Thursday, November 1, 2007, Yakima Convention Center

#### ***6.1.3.5 Technical Working Group Meetings***

From 2004 through 2007, the SSTWG, comprised of biologists from several agencies and organizations throughout the Yakima River basin, was formed to discuss/resolve issues and concerns related to the Yakima River basin fisheries. Meetings were held on an as-needed basis in Yakima, Washington.

As part of the Roundtable process, the SSTWG, involving the Yakama Nation, NOAA Fisheries, Washington Department of Fish and Wildlife, YBSA, Yakima Basin Fish and Wildlife Recovery Board, Yakima Basin Water Resource Agency, and Yakima County, was convened on March 19, 2007, to establish nonbinding flow objectives upon which to base instream flow criteria for the Storage Study.

#### ***6.1.3.6 Other Meetings/Presentations with Interested Parties***

Other meetings and briefings attended by Reclamation staff included the following:

- June 2004, 2005, 2006, 2007 – Presentation to annual Aquatic Science Conference by Storage Study biologist, Central Washington University, Ellensburg, Washington.
- March 21, 2005 – Joint Board Working Group (Roza and Sunnyside) at Sunnyside, Washington, representatives from Confederated Tribes of the Umatilla Indian Reservation, YRBWEP Manager, and Storage Study manager, arranged by YBSA.
- September 29, 2005 – Presentation to American Water Resources Agency Conference by Storage Study manager, Richland, Washington.
- October 13, 2005 – Presentation to American Rivers, et al., by Storage Study manager and biologist, Seattle, Washington.
- November 3, 2005 – Presentation to Yakama Nation by Storage Study manager, Toppenish Washington.
- November 30, 2005 – Presentation to Oregon State University by Storage Study manager, Corvallis, Oregon.



- February 16, 2006 – Presentation to Northwest Irrigation Operators, Inc., by assistant storage study manager, at Doubletree-Riverside Hotel, Boise, Idaho.
- February 23, 2006 – Presentation to Confederated Tribes of the Umatilla Indian Reservation by Storage Study manager and UCAO Native American Coordinator, Pendleton, Oregon.
- July 2006 – Meeting among Storage Study biologist, Yakama Nation staff, and WDFW to discuss the Wymer alternatives.
- August 16, 2006 – Presentation to YBSA Salmon Summit by Upper Columbia Area Office manager, Yakima, Washington.
- October 3, 2006 – Presentation to 2007 Climate and Water Resource Forecast Meeting by Upper Columbia Area Office manager, Kelso, Washington.
- January 2007 – Meeting among Storage Study biologist, Yakama Nation staff, and WDFW to discuss the flow objective concept.
- February 3, 2007 – Meeting between the Storage Study manager and landowners in the Black Rock Valley. This meeting was held at the Silver Dollar Café; twelve people attended.

In addition to these meetings, each final report has been published on the Storage Study Web site with the appropriate notices to the public, stakeholders, and interested parties using the regional media, e-mail lists, and Ecology's mailing list server for the Storage Study.

## **6.2 Agency Coordination and Consultation**

### **6.2.1 Cooperating Agencies**

As co-lead agencies, Reclamation and Ecology have the responsibility for the development of this Draft PR/EIS. Other agencies/entities that advised Reclamation of their desire to be cooperating agencies under the NEPA process include Yakima County; Yakima Training Center; Seattle District of the U.S. Corps of Engineers; and the U.S. Department of Energy, Office of River Protection. In assuming this responsibility, these agencies agreed to perform one or more of the following duties:

- Participate in the NEPA process
- At the request of Reclamation, develop information and prepare environmental analyses, including portions of the Draft PR/EIS on which

the cooperator has specific expertise. For example, the U.S. Department of Energy is ensuring this Draft PR/EIS reasonably and accurately describes the potential impacts to the Hanford Site and is consistent with analyses to be presented in the Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site (*Federal Register*, 2006).

- Review the Draft and Final PR/EIS.

## **6.2.2 U.S. Fish and Wildlife Service**

### ***6.2.2.1 Endangered Species Act***

The Endangered Species Act of 1973, as amended (Section 7(a) (2)) requires Federal agencies to consult with the U.S. Fish and Wildlife Service when a Federal action may affect a listed endangered or threatened species or its critical habitat. This is to ensure that any action authorized, funded, or carried out by a Federal agency is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of its critical habitat. Reclamation obtained a list of the threatened and endangered species within the study area from the U.S. Fish and Wildlife Service Web site. Formal consultation will not be initiated until a preferred alternative is selected.

### ***6.2.2.2 Fish and Wildlife Coordination Act***

The Fish and Wildlife Coordination Act (16 United States Code 661-667e, as amended) requires Federal agencies to coordinate with the Service when planning a new project or modifying existing projects so that wildlife resources receive equal consideration and are coordinated with other project objectives and features. The recommendations contained in the draft Fish and Wildlife Coordination Act Report (section IV) are attached to this Draft PR/EIS, along with Reclamation's responses to them.

## **6.2.3 NOAA Fisheries**

Section 7(a) (2) of the Endangered Species Act of 1973 requires Federal agencies to consult with NOAA Fisheries when a Federal action may affect a listed endangered or threatened species or its critical habitat. This is to ensure that any action authorized, funded, or carried out by a Federal agency is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of its critical habitat.

Reclamation obtained a listing of the threatened and endangered species within the study area from the NOAA Fisheries Web site. NOAA Fisheries has participated in SSTWG and Roundtable meetings. Formal consultation will not be initiated until a preferred alternative is selected.

#### **6.2.4 U.S. Army Corps of Engineers**

Reclamation has ongoing coordination activities with the U.S. Army Corps of Engineers in conjunction with their interests and responsibilities for wetlands. Reclamation will make application to the Corps or petition the Corps for an exemption under Section 404 of the Clean Water Act as stated in the “Environmental Commitments.”

#### **6.2.5 State Historic Preservation Officer**

The National Historic Preservation Act of 1966, as amended in 1992, requires that Federal agencies consider the effects that their projects have on historic properties. Section 106 of this act and its implementing regulations (36 CFR Part 800) provide procedures that Federal agencies must follow to comply with NHPA on specific undertakings.

To comply with Section 106 of NHPA, Federal agencies must consult with the State Historic Preservation Officer; any cultural group, including Native American Tribes with a traditional or religious interest in the study area; and the interested public. Federal agencies must show that a good faith effort has been made to identify historic properties in the area of potential effect for a project. The significance of historic properties must be evaluated, the effect of the project on the historic properties must be determined, and the Federal agency must mitigate adverse effects the projects may cause on significant resources. After a preferred alternative has been chosen, Reclamation will comply with these laws and regulations.

### **6.3 Tribal Consultation and Coordination**

#### **6.3.1 Government-to-Government Consultation**

Executive Order 13175 establishes “regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States Government-to-Government relationships with Indian Tribes, and to reduce the imposition of unfunded mandates upon Indian Tribes.”

Government-to-Government consultation between Reclamation and the Yakama Nation has occurred at the following meetings:

- October 5, 2004 – Yakama Tribal Council and director of Reclamation’s Pacific Northwest Region.
- April 5, 2005 – Yakama Tribal Council and director of Reclamation’s Pacific Northwest Region.

See section 6.1.3.2 for a list of other meetings with the Tribe.

### **6.3.2 National Historic Preservation Act**

As described in section 6.2.5, the NHPA requires Federal agencies to consult with the SHPO and Native American Tribes with a traditional or religious interest in the study area, and the interested public.

### **6.3.3 Executive Order 13007: Indian Sacred Sites**

Executive Order 13007 instructs Federal agencies to promote accommodation of, access to, and protection of the physical integrity of American Indian sacred sites. A sacred site is a specific, discrete, narrowly delineated location on Federal land that is identified by an Indian Tribe or an Indian individual determined to be an appropriate authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion, provided that the Tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site. The Yakama Nation Cultural Resources Program has informed Reclamation that sacred sites are present in the study area, but do not wish to provide specific information.

In a letter dated November 13, 2007, the Yakama Nation Cultural Resources Program Manager informed Reclamation that sacred sites are present in the study area, but do not wish to provide specific information.

### **6.3.4 Indian Trust Assets**

Indian trust assets are legal interests in property held in trust by the United States for Indian Tribes, Nations, or individuals. The Secretary of the Interior is the trustee for the United States on behalf of Indian Tribes. All U.S. Department of the Interior agencies share the Secretary's duty to act responsibly to protect and maintain ITAs reserved by or granted to Indian Tribes, Nations, or individuals by treaties, statutes, and Executive orders. Reclamation's Indian policy is based on Secretarial Order 3175, U.S. Department of the Interior Responsibilities for Indian Trust Resources, November 8, 1993; reissued as U.S. Department of the Interior Manual (DM) Part 303: Indian Trust Responsibilities, Chapter 2: Principles for Managing Indian Trust Assets (303 DM 2) and most recently issued by Reclamation's Commissioner in his memorandum of February 25, 1998. This policy states Reclamation will carry out its activities in a manner that protects trust assets and avoids adverse impacts when possible. This Draft PR/EIS addresses ITA effects of the Joint Alternatives in chapter 4. No adverse impacts to ITA are identified.

## **6.4 Native American Graves Protection and Repatriation Act**

Reclamation will include in construction contracts a stipulation and protocol in the event of inadvertent discovery of human remains that are determined to be American Indian.

## **6.5 Compliance with Other Federal Laws**

In addition to the laws, Executive orders, and regulations described above, Reclamation has complied and will continue to comply with these other laws and Executive orders.

### **6.5.1 Executive Order 11988: Floodplain Management**

Reclamation will comply with Executive Order 11988 to reduce the risk of flood loss to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains.

### **6.5.2 Executive Order 11990: Protection of Wetlands**

Reclamation will comply with Executive Order 11990 to minimize distribution, loss, or degradation of wetlands.

### **6.5.3 Executive Order 12898: Environmental Justice**

Executive Order 12898 established environmental justice as a Federal agency priority to ensure that minority and low-income groups are not disproportionately affected by Federal actions.